



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item No.
Date: 01-19-12

City of Rockville Annexation Petition - ANX2011-00142

KH

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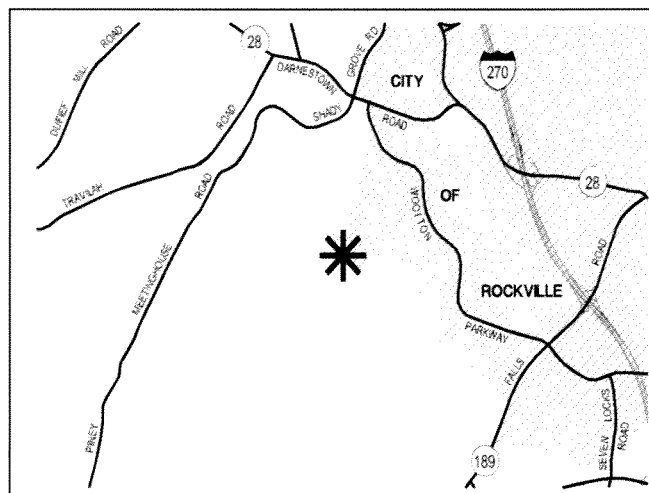
Completed: 12/16/11

Description

City of Rockville Annexation Petition – ANX2011-00142

The proposed annexation is located at 9608 Veirs Drive in the Glen Hills Club Estates subdivision, Rockville, Maryland within the area of the 2002 Potomac Subregion Master Plan. This property, 46,690 square feet, is zoned RE-1 and is proposed to be reclassified to the City's zone R-400.

Staff Recommendation: Approval to Transmit Comments



Summary

Staff recommends **transmittal of the following comments** to the City of Rockville Mayor and City Council as part of the record for the public hearing on February 6, 2012:

1. The proposed R-400 (Residential Estate) zoning classification is not substantially different from the County RE-1 Zone (Residential Estate) and will not adversely affect the overall implementation of the approved and adopted Potomac Subregion Master Plan.
2. The County Council does not need to review this annexation petition prior to final action by the City since the corresponding zones in the County and City permit similar uses and there are no major land use or zoning issues. The staff report, therefore, can be transmitted directly to the City of Rockville as input for the public hearing record.

BACKGROUND AND LOCATION

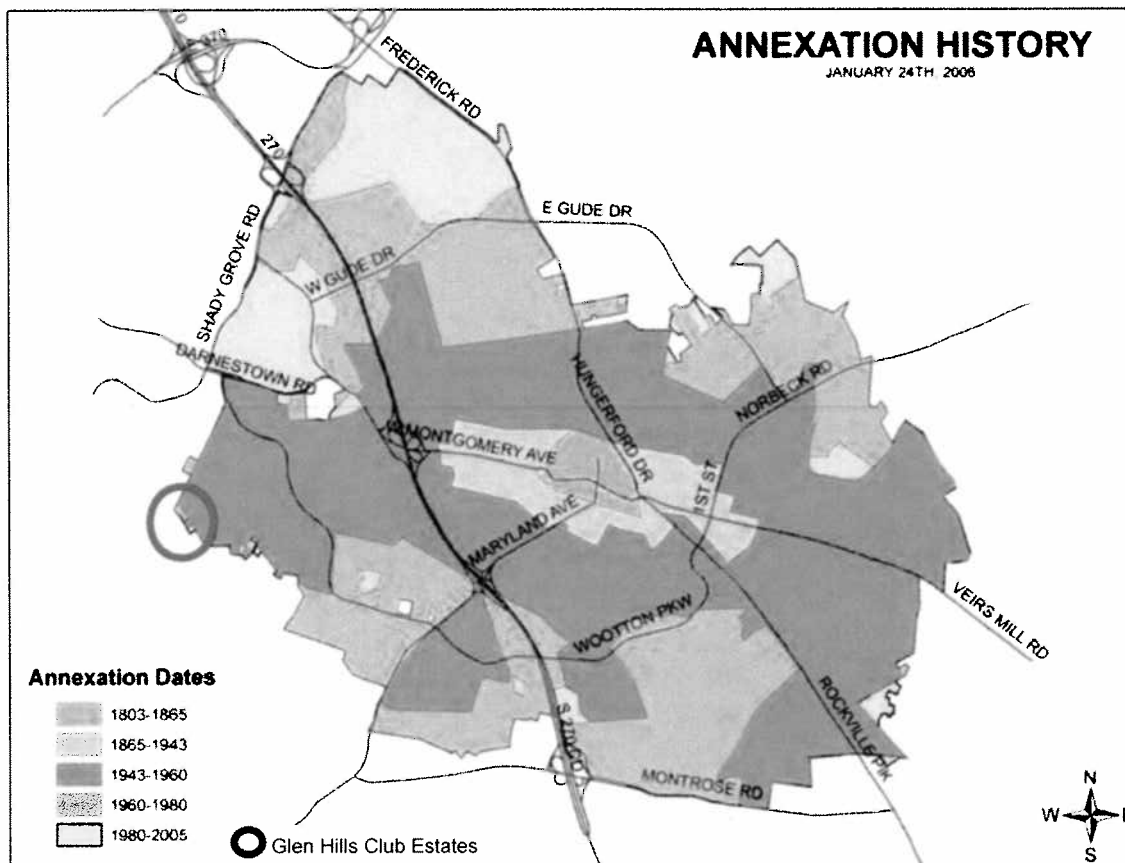
The subject petition has been submitted in accordance with provisions of Article 23A of the Annotated Code of Maryland, which specifies procedures for annexation to a municipal corporation.

The subject property, shown in red on the map below, is a single parcel of 46,690 square feet, located at 9608 Veirs Drive, in the Glen Hills Club Estates subdivision, and is improved with a single detached dwelling. The parcel is square, with similar dimensions to surrounding residential lots, and abuts land within the City of Rockville corporate limits to the north, east and south (shown in beige). The property is located on the south side of Veirs Drive, directly across from the National Lutheran Home Elderly Housing and Nursing facility.



The map on the next page shows properties by the City of Rockville annexed from 1943 to 2005¹. A vacant property at 9612 Veirs Drive was annexed in 2000, 9704 Veirs Drive was annexed in 2003, and 9604 Veirs Drive annexed in 2004. The applicant's neighbor at 13326 Oakwood Drive applied to be annexed but has since withdrawn the petition. The rationale for many of these petitions was the desire for access to a public sewer line.

¹ <http://www.rockvillemd.gov/masterplan/elements/MunicipalGrowth121310.pdf>



MASTER PLAN AND ZONING

The approved and adopted 2002 Potomac Subregion Master Plan recommends residential land use and retention of the RE-1 Zone for the property. The approved and adopted 2010 Municipal Growth Element of the Comprehensive Master Plan² of the City of Rockville includes the subject property in the City's "2002 Maximum Expansion Limits". This property is designated for single-family detached residential use and zoned R-400, which is the City's Residential Estates Zone, if the Mayor and the Rockville City Council approve the annexation. The R-400 Zone, like the County RE-1 Zone, has a minimum lot size of 40,000 square feet. The land use and zoning recommendations are consistent with the Potomac Subregion Master Plan.

The Glen Hills area is discussed in the 2002 Potomac Subregion Master Plan, and an excerpt is attached. *"The Plan recommends restricting further sewer extensions in Glen Hills to those needed to relieve documented public health problems resulting from failed septic systems. ...Because of the concern that the sewer envelope will expand inappropriately, the abutting mains policy should be deferred subject to the results of the Glen Hills study"* (p. 24).

² <http://www.rockvillemd.gov/masterplan/elements/MunicipalGrowth121310.pdf>

PUBLIC FACILITIES AND SERVICES

The property is not located in the Washington Suburban Sanitary Commission (WSSC) District and is not served by public water and sewer. City of Rockville public water and sewer are available along Veirs Drive, extending just due southeast of the subject site, which would allow the property access to these City services. The applicant's rationale for the annexation is a failed septic system³. Typically, in Glen Hills, a documented public health problem would be addressed by a sewer category change. In this case, WSSC does not cover the area within the city's expansion limits. The annexation is thus moot in terms of the Master Plan's sewer service recommendations.

Montgomery County provides no services to the property that would require compensation following annexation. There are no public facilities located on the property and neighborhood school capacity is not an issue. A traffic study or statement is not required, since the number of peak hour trips is well below the threshold for requiring such an analysis.

CONCLUSION

Staff recommends that the Planning Board support Annexation Petition ANX2011-00142 and the rezoning of the subject property to the City of Rockville's R-400 Zone for the reasons stated above.

Attachments:

1. Excerpts from the 2002 Potomac Subregion Master Plan
2. Justification Letter

³ See attached justification letter.

Excerpts from the 2002 Potomac Subregion Master Plan

envelope is irregular, established by demand rather than by plan. Voids within the envelope and irregular boundaries along its perimeter abound. Although this Master Plan generally recommends against the continued provision of community sewer service to low-density (RE-1 and RE-2) areas, it does support limited approvals for community sewer service for the low-density areas within the envelope and along its currently-established edge. The focus of this limited service and expansion should be on properties which already abut existing or proposed mains and on properties which can be served by sewer extensions within public rights-of-way. Main extensions that would disrupt streams and their undisturbed buffer areas should be avoided. Any approvals granted along the currently-established edge should not be cited as justification for expanding the sewer service envelope beyond the limits recommended in this Plan.

Sewer Service Recommendations

- **Provide community sewer service in the Subregion generally in conformance with *Water and Sewer Plan* service policies. This will generally exclude areas zoned for low-density development (RE-1, RE-2, and RC) not already approved for service from further extension of community service.**
- **Allow for the limited provision of community sewer service for areas zoned RE-1 and RE-2 within and at the periphery of the proposed sewer service envelope. (See Foldout Map D.) Exclude from this peripheral service policy properties adjacent to and in the vicinity of the Palatine subdivision and the lower Greenbriar Branch properties, and all properties within the Piney Branch Subwatershed, the Darnestown Triangle, and the Glen Hills Area (until completion of the study described on page 24, which will evaluate whether this exclusion should continue in the future). Emphasize the construction of sewer extensions, if needed, along roads rather than through stream valleys.**
- **Help to protect water quality in the Stoney Creek subwatershed of Watts Branch by requiring that sewer main extensions to serve the few properties approved for community service be located along River and Stoney Creek Roads, rather than along the stream valley.**
- **Deny the provision of community sewer service to the areas zoned R-200 near the intersection of River and Seneca Roads.**

Glen Hills Area

The Glen Hills area consists of several established subdivisions with lots generally at least one acre in size. Most of the lots were established in the 1950's and 60's using septic systems. At that time, septic standards did not include septic buffers, water table testing, multiple depth testing, and the consideration of fractured rock. The Department of Permitting Services (MCDPS) has raised concerns about the periodic septic failures which occur in the neighborhood because subsurface conditions often do not allow for replacement systems which satisfy current septic regulations. This Plan supports a study of the septic failures in Glen Hills to develop the measures necessary to ensure

the long-term sustainability of septic service for new home construction and existing home renovations, and to address the need for limited sewer extensions if needed. This study, conducted in conjunction with the citizens of this area and the appropriate public agencies, shall include the following elements:

- Delineation and possible reasons for known septic failures.
- Groundwater testing if needed.
- Preparation of a logical and systematic plan for providing community sewer service if needed.
- Emphasis on extension of sewer mains within public right-of-way rather than within stream valleys.
- An evaluation and recommendation of the abutting mains policy for this area.
- Exclusion of properties that are environmentally sensitive and cannot be developed in conformance with established environmental guidelines.

This Plan recommends restricting further sewer extensions in Glen Hills to those needed to relieve documented public health problems resulting from failed septic systems. New sewer main extensions needed to relieve public health problems will be evaluated on a case-by-case basis for logical, economical, and environmentally sensitive extensions of service, with an emphasis on locating main extensions along public right-of-way, rather than stream valleys. Because of the concern that the sewer envelope will expand inappropriately, the abutting mains policy should be deferred subject to the results of the Glen Hills study.

Glen Hills Recommendation

- **Conduct a study described above of the Glen Hills area. Based on the results of that study develop a policy outlining the measures needed to ensure the long-term sustainability of septic service for new home construction and existing home renovations, minimizing the need for future sewer service extensions. Under this policy the sole basis for providing new sewer service would be well-documented septic failures where extension could be provided consistent with results of the study and in a logical, economical, and environmentally acceptable manner. Until a policy is developed, restrict further sewer service extensions in Glen Hills to properties with documented public health problems resulting from septic system failures.**

Piney Branch Subwatershed

The Piney Branch subwatershed presents a specific sewer service issue. Shallow bedrock and poor percolation rates severely limit development potential in the Piney Branch, Sandy Branch, and Greenbriar Branch basins unless sewer service is provided. However, these areas tend to have fragile or rare plant and animal communities as well as good water quality. The Piney Branch Trunk Sewer was constructed to serve development generated by TDRs in the upper subwatershed in North Potomac. Concerned over the potential environmental damage that could result from increased development density due to the availability of community sewer service along the rest of Piney Branch, the Council adopted a restricted sewer access policy for the subwatershed. This restricted

9608 Veirs Drive
Rockville, Maryland
20850

June 28, 2011

City of Rockville
Department of Community Planning and Development Services
111 Maryland Avenue, Rockville, Maryland 20850

To Whom It May Concern,

We are writing this petition to request being annexed into the City of Rockville for the purpose of having access to city water and sewer services. We have a failed septic system and submitted a permit to Montgomery County for evaluation. The results of a septic test showed that all our ground failed for conventional septic. It passed in the front yard only for unconventional septic. This would require our removing the existing well and relocating it on the property. Therefore, the advice from the inspector, Marcie L. Shubert and her plan reviewer, John Hancock was to seek information from the city as to the feasibility of city services.

We are residents of the community of Glen Hills. Our home is located across from the National Lutheran Nursing Home. The street on which we are located has homes and lots annexed into the city already. We are aware of some homes that already are using water and sewer lines located along Veirs Drive. To our knowledge, the last home connected to these lines was built in 2004 at 9612 Veirs Drive and our home is located next to this property.

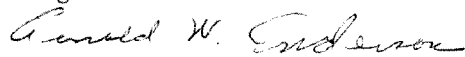
We requested information from the Department of Public Works on this sewer/water line and the availability of services. On June 23rd, we were told by Don Jackson, Public Works Department of Rockville, that two homes connect to a gravity fed line and that it would be possible to continue an extension of a low pressure sewer line to our home.

During our discussions with individuals during the evaluation of our septic system, we have found that we are not alone in our ongoing concerns with the percolation of the soil in our area. Our neighbors, David and Stella Gibbs, 13326 Oakwood Drive are also actively pursuing a petition of annexation to the City of Rockville for purposes of connecting to city water and sewer services. Their home is just two lots from ours and the lot separating our properties has already been annexed into the City of Rockville.

We would like you to take all of these considerations into account when making your determination. We are willing to work with the City of Rockville to proceed with the process. If there is any additional information that we can provide, please contact us at the numbers below. Our daughter is also authorized to speak to you on our behalf. Her name, email, and number are also provided.

We look forward to hearing from you as to your consideration of our requests. Thank you for your timely attention to this matter.

Sincerely,
Arnold & Arcadia Anderson
(h) 301-762-5918 © 301-606-8429
Daughter: Susan Hazlett susananded2@verizon.net ©301-606-3530

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